

# HOUSE BILL No. 1343

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-5-13; IC 20-10.1-4-5.5.

**Synopsis:** Student nutrition and physical activity. Requires school boards to establish a child nutrition and physical activity advisory committee to develop a local wellness policy that complies with certain federal requirements. Requires that foods and beverages sold to students outside the federal school meal programs must meet certain requirements. Provides that the requirements do not apply after school hours. Requires daily physical activity for elementary school students in public schools. Allows a school to continue a vending machine contract in existence before May 15, 2005.

**Effective:** May 15, 2005; July 1, 2005.

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**Becker, Friend, Brown C, Budak**

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January 13, 2005, read first time and referred to Committee on Education.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1343

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 20-5-13-10 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2005]: **Sec. 10. (a) Each school board shall establish a child**  
4 **nutrition and physical activity advisory committee. The advisory**  
5 **committee shall develop a local wellness policy that complies with**  
6 **the requirements under federal Public Law 108-265. The advisory**  
7 **committee must hold at least one (1) hearing that allows public**  
8 **testimony.**

9       **(b) The school board shall appoint the members of the advisory**  
10 **committee, which must include parents, food service directors and**  
11 **staff, students, nutritionists, health care professionals, and**  
12 **representatives of interested community organizations. However,**  
13 **a person who represents a food manufacturer or marketer or a**  
14 **person with a conflict of interest or a financial interest in selling**  
15 **food in schools may not serve on the advisory committee.**

16       **(c) The school board shall adopt a school district policy on child**  
17 **nutrition and physical activity that conforms with the advisory**



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committee's recommendations.

SECTION 2. IC 20-5-13-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) This section does not apply to a food or beverage item that is:

- (1) part of a school lunch program or a school breakfast program;
- (2) sold in an area that is not accessible to a student; and
- (3) sold after normal school hours.

(b) A vending machine at an elementary school that dispenses food or beverages may not be accessible to a student.

(c) At least fifty percent (50%) of the foods and beverages sold at school or on the school grounds must qualify as a healthy food or a healthy beverage. Food and beverage items must meet the following qualifications:

- (1) The following do not qualify as healthy beverages:
  - (A) Soft drinks, punch, iced tea, and coffee.
  - (B) Fruit based drinks that contain less than fifty percent (50%) real fruit juice or that contain additional caloric sweeteners.
  - (C) Except for low-fat and fat-free chocolate milk, drinks that contain caffeine.
- (2) The following qualify as healthy beverages:
  - (A) Fruit based drinks that contain at least fifty percent (50%) real fruit juice or that do not contain additional caloric sweeteners.
  - (B) Water and seltzer water that do not contain additional caloric sweeteners.
  - (C) Low-fat and fat-free milk, including chocolate milk, soy milk, rice milk, and other similar dairy and nondairy calcium fortified milks.
- (3) Foods that meet the following standards are considered healthy foods:
  - (A) Not more than thirty percent (30%) of their total calories are from fat.
  - (B) Not more than ten percent (10%) of their total calories are from saturated and trans fat.
  - (C) Not more than thirty-five percent (35%) of their weight is from sugars that do not occur naturally in fruits vegetables, or dairy products.
  - (D) Are limited to the following portion sizes:
    - (i) One and one quarter (1.25) ounces for potato chips,

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crackers, popcorn, cereal, trail mixes, nuts, seeds, dried fruit, and jerky.

(ii) Two (2) ounces for cookies and cereal bars.

(iii) Three (3) ounces for bakery items, including pastries, muffins, and donuts.

(iv) Three (3) fluid ounces for frozen desserts, including ice cream.

(v) Eight (8) ounces of nonfrozen yogurt.

(vi) Twelve (12) ounces for beverages, except water.

(vii) Entree items and side dish items, including french fries and onion rings, may not exceed the portions for those foods when served as part of the school lunch program or school breakfast program.

SECTION 3. IC 20-10.1-4-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. (a) This section does not apply to:

(1) students who are in half-day kindergarten; or

(2) a student who has a medical condition that precludes participation in the daily physical activity provided under this section.

(b) Beginning in the 2005-2006 school year, the governing body of each school corporation shall provide daily physical activity for students in elementary school. The physical activity must be consistent with the curriculum and programs developed under IC 20-1-1.1-7 and may include the use of recess. Available physical activity alternatives must be used on days of inclement weather conditions.

SECTION 4. [EFFECTIVE MAY 15, 2005] (a) IC 20-5-13-11, as added by this act, does not apply to a contract that:

(1) was executed before May 15, 2005;

(2) is in existence on May 15, 2005; and

(3) requires a governing body of a school corporation to allow the sale of:

(A) soft drinks and similar beverages; and

(B) food;

with no or low nutritional value, as defined by the United States Department of Agriculture, from vending machines or other dispensing units during school hours.

However, the governing body may not renew a contract described in this SECTION and, after the contract expires, must comply with IC 20-5-13-11, as added by this act.

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1       **(b) This SECTION expires July 1, 2010.**  
2       **SECTION 5. An emergency is declared for this act.**

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